

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

RONALD J. MACK, #1157093,

Petitioner,

v.

ACTION NO. 2:19cv359

HAROLD W. CLARKE,

Respondent.

FINAL ORDER

Petitioner Ronald J. Mack (“Mack”), a Virginia inmate, has submitted a *pro se* petition pursuant to 28 U.S.C. § 2254. ECF No. 1. Mack alleges his federal rights were violated when he was convicted in the Circuit Court for the City of Richmond in 2015 of grand larceny, and was sentenced to 11 years in prison. *Id.* at 1.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The report and recommendation, filed April 10, 2020, recommends that respondent’s motion to dismiss (ECF No. 15) be granted, and the petition for writ of habeas corpus (ECF No. 1) be denied and dismissed with prejudice. ECF No. 29. Each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. On May 21, 2020, the Court received Mack’s objections to the findings and recommendations made by the Magistrate Judge. ECF No. 32.

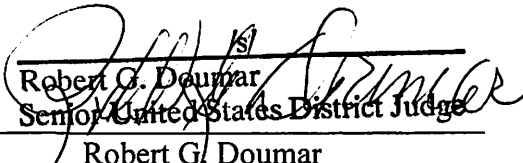
The Court, having reviewed the record and examined the objections filed by Mack to the

report and recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the report and recommendation. The Court, therefore, **ORDERS** that respondent's motion to dismiss, ECF No. 15, is **GRANTED**, and the petition for a writ of habeas corpus, ECF No. 1, is **DENIED** and **DISMISSED** with prejudice.

Mack has failed to demonstrate a "substantial showing of the denial of a constitutional right," and, therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003).

Mack is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. R. App. P. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). **If Mack intends to seek a certificate of appealability from the Fourth Circuit, he must do so within thirty (30) days from the date of this Final Order. Mack may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.**

The Clerk shall mail a copy of this final order to Mack and counsel of record for respondent.


Robert G. Doumar
Senior United States District Judge
Robert G. Doumar
Senior United States District Judge

Norfolk, Virginia
June 15, 2020